

Proceeding: IN TRE MATTER OF TELECOMMUNICATIONS RELAY SERVICES AND SPE  Record 1 of 1

Applicant Name: California Public Utilities Commission

Proceeding Name: 98-67 Author Name: Helen M. Mickiewicz

Lawfirm Name:

Contact Name: author_name Contact Email: hmm@cpuc.ca.gov

Address Line 1: 505 Van Ness Avenue, Room 5134

Address Line 2:

City: San Francisco

State: CA 

Zip Code: 94102 Postal Code:

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the matter of:
Telecommunications Relay Services
and Speech-to-Speech Services for
Individuals with Hearing and Speech
Disabilities

CC Docket No. : 98-67

**COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA
AND OF THE PUBLIC UTILITIES COMMISSION OF THE STATE
OF CALIFORNIA ON THE NOTICE OF PROPOSED
RULEMAKING**

The People of the State of California and the Public Utilities Commission of the State of California (CPUC or California) here submit these comments in response to the Notice of Proposed Rulemaking (NPRM) issued May 14, 1998 by the Federal Communications Commission (FCC or Commission) regarding Telecommunications Relay Services, Speech-to-Speech Relay Service, and other relay services designed to meet the needs of deaf and disabled telecommunications users. In addition to submitting these CPUC comments, California also is transmitting to the FCC a report prepared by the CPUC's Deaf and Disabled Telecommunications Program (DDTP) in response to the NPRM. The DDTP is the program arm of the CPUC which actually administers the California Relay Service (CRS)

I. THE ADA ALLOWS FOR USE OF SERVICES OTHER THAN TTYS

California agrees with the FCC's conclusion that Title IV of the Americans with Disabilities Act (ADA) is not limited to telecommunications services using TTY's. (NPRM, ¶ 14.) California is somewhat concerned, however, that by allowing TRS providers to recover costs for improved TRS service without better defining these services and establishing minimum standards for them, the FCC risks supporting services with limited value to disabled consumers. (NPRM, ¶ 15.) California is also concerned that the FCC would be allowing TRS providers to recover intrastate costs for an ill-defined set of services. As the attached report of the California DDTP indicates, there is no reason for relaxing minimum standards for new services.

California has long experimented with Speech-To-Speech Relay (STS) and is currently offering the service on a provisional basis. (NPRM, ¶ 24.) A detailed description of California's experience with its initial trials was included as Attachment A to the CPUC's comments in response to the Notice of Inquiry (NOI). California does not believe that any exceptions to service quality standards are necessary or warranted for STS. (NPRM, ¶ 26.) (See attached report at p. 2.)

II. VRI SHOULD NOT BE REQUIRED AT THIS TIME

California agrees that Video Relay Interpretation (VRI) should not be a required TRS service at this time. (NPRM, ¶ 37.) The FCC should revisit VRI only when the shortage of qualified interpreters has been addressed, and when the cost of customer equipment has declined sufficiently so that it is widely available in the mass market. Further, the CPUC does not understand the role of state relay services under the FCC's proposed voluntary system. The NPRM states that "the costs of intrastate VRT should be recoverable from the intrastate jurisdiction". (NPRM, ¶ 34.) California is uncertain whether this provision is intended to be permissive, allowing state relay administrators to establish VRT services on a limited, experimental basis. Alternatively, the FCC's proposal is susceptible to the interpretation that it is intended to require states to fund some type of VRI program while still allowing states to determine the scope of these programs. California would not oppose the former, permissive interpretation, but would have concerns about the latter interpretation. At the same time, the CPUC believes the voluntary VRI requirement would be very difficult to comply with given the lack of clarity on the definition of VRI in the proposed rules. Since some states, like California, have complimentary equipment distribution and relay service it is important to know what the FCC means by VRI, since provision of VRI may have implications for other aspects of state programs.

III. THE FCC NEED NOT MANDATE FURTHER PROVISION OF MRS

California agrees that no additional intervention is needed with respect to Multilingual Relay Services. (NPRM, ¶ 37.) California already provides MRS in Spanish, and agrees with the FCC's conclusion that foreign-language translations are a value-added offering which go beyond the relaying of conversation between two end users. (NPRM, ¶ 39.)

IV. CALIFORNIA NOW HAS EXPERIENCE WITH A MULTI-VENDOR TRS MARKET

California currently has a multi-vendor relay service where prices have been established through competitive bidding. (NPRM, ¶ 65.) In its last vendor selection process, the CPUC sought the benefits of both a competitively bid price and a post selection, multi-vendor competition on the basis of service quality. California believes that competitive bidding is most likely to achieve an efficient price and that a multi-vendor environment where consumers have a choice of relay providers is most likely to lead to high quality, innovative services. The CPUC tried to accomplish this through an Invitation for Bid (IFB) which would allow more than one bidder to provide service as long as each bidder (1) certified that it would comply with minimum service standards and (2) it agreed to serve at a price based on the lowest bid. In order to provide an incentive for aggressive bidding, the IFB distinguished between the Primary Provider and Secondary Providers. These incentives to become the Primary Provider were considered necessary given

the small number of potential bidders. The understanding was that post auction competition would spur improved quality and innovation.

The result of the process was that a single vendor chose to serve at the established price. The other two bidders were unwilling to serve at the low bidder's price, even at a slight premium built into the Master Contract. The CPUC determined that California's relay consumers would be better served by competition among vendors, so it allowed the administrator to modify the Master Contract. Under the terms of the Amended Master Agreement, the price would be established based on the second lowest bid on the initial IFB. Any carrier could offer service based on this price, but that carrier also would have to accept stiff liquidated damages penalties for non-compliance with the terms of the contract. This approach induced a second vendor to provide relay service in California.

California believes that competitively bid prices and a multi-vendor environment are not incompatible, although they are difficult to achieve. Based on its experience California believes that in designing a competitively bid multi-vendor environment a relay administrator should consider (1) ways to ensure that the price will be attractive to more than one vendor, (2) significant penalties for non-compliance with a contract, and (3) limited distinctions between vendors.

V. CONCLUSION

The CPUC offers these comments based on its extensive experience with the California Relay Service, as well as experimentation with other relay services.

Respectfully submitted,
PETER ARTH, JR.
WILLIAM N. FOLEY
HELEN M. MICKIEWICZ

By: HELEN M. MICKIEWICZ

Helen M. Mickiewicz

505 Van Ness Ave.
San Francisco, CA 94 102
Phone: (415) 703-1319
Fax: (415) 703-4592

Attorneys for the
Public Utilities Commission
State Of California

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California Public Utilities Commission
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**The Report of the Deaf and Disabled Telecommunications Program
to the CPUC on FCC Docket No. 98-67
Telecommunication Relay Services**

Scope

We agree that TRS is an evolving service and should expand beyond traditional TTY relay service as new technologies develop. New technologies are already improving the quality of relay calls, such as enhanced TTY protocols. Other new technologies have the potential of significantly improving TRS, if widely deployed, such as Video Relay Interpreting (VRI).

Generally speaking, our experience in California of allowing vendors to answer calls in regional centers, which may be outside California, has resulted in many benefits to California relay users and ratepayers. These include:

- Multiple bidders;
- Competitive TRS rates;
- Adherence to stricter standards for service quality;
- Greater access to specialized skills, e.g. VCO or Spanish;
- Vendor willingness to include Speech To Speech (STS) and trial VRI; and
- More efficient staffing.

We agree that the costs for "improved" TRS services should be recoverable for providers both from the interstate and from intrastate cost recovery funds (to the extent states approve the reimbursement of such services). We agree that the costs for STS and VRI should be recoverable and that this allowance will encourage further development of these services. We also concur with the Commission that STS should be required and that it is too early to require providers to offer VRI. We also agree that the current definition of "Communications Assistant" should be modified to allow a broader range of functionality than strictly providing "text to voice and voice to text." No text is involved STS calls, yet the STS operators certainly perform functions very similar to a typical communications assistant ("CA" or "operator").

The DDTP expects the new minimum standards to apply once the FCC approves the new rules. While the DDTP expects vendors to comply even if the new rules change the existing contract, the FCC should be aware that some changes might require states to negotiate new reimbursement rates.

Speech-to-Speech Relay Service

We agree with the FCC's support of Speech to Speech services to callers with speech disabilities. (§23) California, after two trials, now offers the service on a provisional basis. We recommend that the Commission allow the offering of STS by common carriers "individually, through a competitively selected vendor, or in concert with other carriers." in the same manner as TRS is mandated.

We understand the reasons people question market forces ability to provide STS may be due to the incremental costs to the providers of developing and offering the service and the perceived small demand and resulting inability to recover costs. The costs to providers to offer STS are generally higher than the costs to offer conventional TRS because of the separate staffing necessary. STS service requires a separate pool of operators specially trained to provide this service and gating within the call management system to route calls to the pool. Even if STS calls from several states can be routed to a centralized or regional center, the demand for STS currently is still small enough so that optimal utilization of each operator is difficult to achieve. The separate gating also makes it difficult for providers to use the STS operators to answer conventional TRS calls when they are not on a STS call. The practice, of having operators answer both types of calls, is also problematic since it could jeopardize the provider's ability to meet ASA requirements.

California completed two trials so STS is a familiar service to the providers here. STS has proven to be an extremely valuable service for hundreds of users with speech disabilities in California who, without this service, would have extremely limited access to the telephone network. California's STS call volumes have grown significantly since the service first began on a trial basis. Also, the average length of call has dropped 55% (from 18 min to 8 min) in the same period, as users become more familiar and comfortable with the service. In essence, the service is becoming much more cost effective as call volumes grow and call lengths decrease.

The DDTP supports the Commission's conclusion that requiring STS by all common carriers will foster the development of the service on a centralized or regional basis, which will improve the cost effectiveness.(§24) In order for this result to occur, however, states must be allow vendors to answer STS calls outside of state boundaries. If states require STS calls to be handled by centers within their states, the benefits of pooling resources and pooling demand will not be realized. California has no requirements that specify STS calls must be answered within California. This has allowed the providers to centralize their efforts to

develop STS skills and resources in the ways that allow the best quality of service to be offered at a reasonable price and to meet the California standards which exceed the FCC minimum standards.

The DDTP does not support the relaxation of any of the FCC minimum TRS standards for STS. We strongly believe that all of the quality indicators need to apply. The technical platform for providing STS is essentially the same as for conventional TRS, so providers should be able to meet ASA and blockage requirements similar to TRS. One problem, for which there is a solution, is the development of call demand information from which to forecast staffing needs. In order to develop some data on call volumes and calling patterns, states may want to consider offering STS initially for a "trial" period (six months) during which service quality standards may be relaxed.

California conducted two trials of STS before the service was offered on a provisional basis, as is now the status. No ASA or blockage requirements or strict operator training requirements were mandated during the trial periods while both the DDTP and the provider collected call statistics and gained experience with the service. Now that the DDTP is purchasing STS, even on a provisional basis, under the same contract as our conventional TRS service, identical service quality standards are in place for both services and the provider- is able to meet these standards.

There are some very important differences in the how the STS operators should be trained to handle calls. (§26) The differences, however, have not interfered with the vendors' ability to meet California's TRS standards. A STS operator for instance sets up a call more like a three-way call to facilitate a conversation. A STS operator is part of the conversation and may summarize or paraphrase if it helps communication and does not decrease the independence of the person with a speech disability. A TRS operator relays the call. They are required to relay exactly what both parties say. The goal for a TRS operator is to be as transparent as possible. The goal for a STS operator is to facilitate the call.

Other features that the DDTP feels are critical to the successful operation of STS service include:

- The STS operators' room should be quiet and the partitions between the operators stalls should be sound proof enough so that operators can concentrate intensely on hearing the caller's speech;
- Operators must be able to retain information from one inbound call for use in a subsequent outbound call, and such information shall be retained for the duration of the inbound call; and

- Changing operators during a call is very disruptive to speech disabled users. Operator changes during a STS call should occur very infrequently.

Additionally the DDTP would find it helpful if the FCC stated whether or not expenses for outreach to the STS community are considered recoverable. (§23) The DDTP believes that outreach is an essential part of operating a successful STS service. Targeted outreach is the only way to let potential consumers know the service exists.

Video Relay Interpreting (VRI) Services

The DDTP supports the Commission's decision not to mandate the provision of VRI at this time, but to allow for the recovery of VRI costs from the interstate cost recovery fund and from intrastate jurisdictions as decided by the states. (§32) We believe it may have the intended effect of growing and developing a more efficient VRI service. VRI may provide more "functionally equivalent" access to the telephone network because VRI users are able to impart "tone" of the conversation, and to interject into a conversation as needed, capabilities which currently are unavailable to TTY users.

The deaf community has indicated to the DDTP that VRI is important for exactly the reasons just mentioned. VRI comes closest to offering a "telephone" experience that is "functionally equivalent" to the hearing community's experience of a phone conversation. As technology advances, so must the relay service. Text relay must not become the only means of communication simply because it was the technology available at the time relay was first implemented. We concur with the FCC's comments in the opening paragraphs and the ADA's language, which states that, technology should not prevent improving the service. (Title IV)

California is considering pursuing VRI initially as a trial, to resolve marketplace and California policy issues, and then as a provisional service. The DDTP would like the opportunity to study several potentially problematic marketplace issues with VRI, such as the shortage of qualified interpreters, difficulties in offering ubiquitous access to VRI, and costs involved in continually upgrading VRI equipment in a rapidly advancing industry.

The California policy issues for the DDTP could be worked out in a trial. The DDTP oversees two programs: the California Relay Service (CRS) and the

equipment distribution program. Offering VRI in California may affect both programs. The DDTP and CPUC need to better understand what obligations, if any, VRI will create for the equipment program and California ratepayers. It would be helpful to have additional clarity from the FCC as to what specific VRI costs are recoverable. For example, are any of the costs for the equipment users require recoverable? The CPUC and the DDTP must determine what equipment the DDTP is required to provide to deaf and hard of hearing users and make the appropriate policy decisions as a result. If the service is widely available and accessible, there is less of an impact on California ratepayers than if the service is scarce and inaccessible. A trial or provisional phase would also help the DDTP and vendor collect the cost and demand information necessary to set standards and a reimbursement rate for the program.

We believe there is also an opportunity to relieve or minimize potential labor shortage issues. VRI services could then use a national labor pool of interpreters. Additionally if interpreters could work from home, labor shortages could be minimized. Indeed areas that have experienced a shortage in general may find interpreters more available as a result of VRI since interpreters would not have to travel great distances between appointments. If they can remain in one place and provide interpreting by video, then they have more time to spend interpreting.

We also support adopting as the minimum definition for interpreters the definition that the Department of Justice has set for "qualified interpreter" under Titles II and III of the ADA.

Multilingual Relay Services (MRS) and Translation Services

The DDTP agrees with the Commission's conclusion that the costs to provide MRS should be recoverable from both the interstate and the intrastate jurisdictions and that states should have the flexibility to determine which languages are appropriate for their state TRS services. (§37) Here again, promoting the pooling of communication assistants ("CA" or "operator") and the consolidation of call volumes will improve the cost effectiveness of MRS. States must be flexible about where MRS calls can be answered unless their states' volume is significant enough to warrant full time staffing of a center.

In California, we require relay providers to offer their service in Spanish. We do not require Spanish translation. The California CPUC, to date, has not approved this service. The deaf community has expressed very strongly that Spanish to English is an important element of TRS since the service is needed as a result of

being deaf.

The deaf community, as expressed by the deaf representatives on the DDTP, would like the FCC to consider allowing translation that is disability related. To the extent that translation service for ASL into English is required to provide "functional equivalency" to ASL users, we believe it is within the FCC's jurisdiction to permit ASL translation into Spanish in an effort to achieve "functional equivalency." In the case of Spanish, we know the individual's inability to communicate with family members is a direct result of the user's disability. Deaf people born into Spanish-speaking families do not learn written or spoken Spanish. They learn ASL as their first language (visual) and English later in school as their second language (written). In order to communicate with their Spanish-speaking families by telephone, these deaf individuals would need to type in Spanish, which is not commonly taught to deaf Hispanics. The result is the child speaks a different language than the parents because the child is deaf. To have the ability to place a relay call in which their typed English is translated into spoken Spanish for their family members is the only way that this part of the deaf community can have complete access to TRS.

We receive substantially more requests in California for Spanish translation than we do for any other language. A variety of other languages are commonly spoken in California, but many of them, such as Mandarin and Cantonese, cannot be typed on a TTY and therefore cannot be utilized through a relay service.

The FCC may consider limited translation services, that is communication between two parties who each use a different language as a result of one party's disability. Translation of TTY-ASL into spoken English and vice versa should be allowable at the user's request. Spanish is the other language translation that could be allowed according to this criterion. Costs of both of these types of translation should be recoverable from the interstate and intrastate jurisdictions at the state's discretion. The DDTP believes that these types of translation services, which are necessary due to a communications-related disability, are within the original intent of the ADA and are a way of making a TRS call more functionally equivalent to a voice call.

Access to Enhanced Services

The DDTP disagrees with the Commission's conclusion that its jurisdiction under Title IV of the ADA does not permit it to mandate access to "audiotext services," such as computer-driven voice-menu systems. (§45) The section referenced by the Commission from the IO 1 st Congress refers to recorded information services that

in 1990 were primarily entertainment based. Very few organizations used these services then as they use these services today. Now, voice menus are the gatekeeper to service representatives or in many cases the service itself.

Audiotext systems Congress referred to offered horoscopes, stock quotes and sports' scores. The systems to which we refer, computer-driven voice-menu systems or automated response units (ARUs) act as call directors for consumers to put them in touch with the appropriate service personnel. In some places ARUs have replaced people. These are the services where you can call and get store hours, make payments, and check account balances. The DDTP would like the Commission to consider requiring access to these types of front-end services through TRS based on the definition of TRS, which offers:

“the ability for a person with a hearing or speech impairment to communicate by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services by wire or radio.”

The statutory and regulatory definitions further explain that TRS “includes services that enable two-way communication between an individual who uses a TTY or other non-voice terminal device and an individual who does not use such a device. (U.S.C. 225(a)(3) and 47 C.F.R. 64.601(7)).

The outstanding question, it seems to the DDTP, may be what is the requirement for TRS providers where ARUs have replaced hearing people to provide the same information a person would have, for example, directions or hours of operation. It seems to us that where a person would have been accessible to TRS, the “functional equivalent” must be interpreted as communicating with the audiotext service.

The fact that the “hearing individual” who the TTY user is communicating with is a recorded voice should be irrelevant. It is common today for a hearing caller to find one of these systems instead of a person. TTY users should not be denied access just because a person does not answer. The ability to communicate as a “hearing individual” does is the functionality TRS is supposed to offer. While an audiotext service itself may be an “enhanced service,” the ability to enable two-way communication is the

basic service and purpose of TRS. Simply stated TRS offers the ability to complete a call. TRS providers should be required to provide access to this functionality. Also, technologies exist, such as digital recording, to make the processing of these types of TRS calls quite smooth.

The DDTP would like to offer a suggestion for the FCC's consideration as it deliberates whether and how to require access. On one end of the continuum, there is no access to ARUs for TTY users, and on the other end, there is direct access for TTY users. We suggest the FCC require entities using an ARU, as a call director, to offer an option, within the first 10 seconds, to reach a human being. The FCC could narrow the requirement to say entities must offer TRS operators, within the first 10 seconds, as an option. This way TRS operators will be able to go quickly to a person with whom they can relay a conversation on behalf of the TTY user. Currently the TRS operator must make repeated calls to the number with the ARU. This is costly and often unworkable since ARUs timeout rather quickly.

When there is a fee for an audiotext service or recorded information service, as the NPRM refers to, a pay per call service, there remains a question about whether TRS is responsible for access and how the call can be billed to the calling party. It is the DDTP's belief that TRS providers should be mandated to provide access to pay per call services (e.g. 900 calls). The purpose of relay is to serve as dial tone for TTY users. The DDTP receives many complaints monthly about the inability of the TRS providers to access these services. Now that providers in some states have determined technically how to bill the call to the correct party, it seems unfair to deny access to TTY users.

The DDTP agrees with the Commission's suggestion that operators should be permitted to inquire as to whether the TRS user wishes the operator to summarize the message or to listen for specific information. (§46) If the user, however, wants to access the complete audiotext message, this should also be available.

Speed of Answer Requirements

The DDTP agrees with the Commission's proposal to establish a minimum standard which is achievable, easily measured and documented. (§50) States will still have the flexibility to establish more stringent standards if so desired.

The primary measure the FCC proposes is the speed of answer. The DDTP supports the FCC's intention to require that TRS providers answer 85% of all calls

daily within 10 seconds of the time the call reaches the TRS provider's network. California has a stricter standard (all calls must be answered, on a daily average, within seven seconds) and the DDTP believes that the higher standard proposed in the NPRM may be an appropriate national standard.

We also want to encourage the FCC to set a minimum standard for blockage (busy signals) in addition to the speed of answer. We suggest P.01 grade of service as the minimum standard. This will force TRS providers to balance the ASA time and blockage instead of trading them off. California, like many other states, incorporates a blockage standard in its contract. Using only the ASA standard would allow TRS providers to set their call management system to take fewer calls into queue and thus generate more abandoned calls and busy signals without penalty.

The DDTP is concerned about how abandoned calls and busy signals (redialed) may affect callers experience. There are at least two options for measuring blockage. One option is to set a minimum blockage standard as recommended above. The DDTP finds this approach straightforward and manageable. The other option is to include blocked calls in the speed of answer calculation. The DDTP believes that if these calls are not included in the TRS providers' standards, states may never know that they are experiencing high numbers of abandoned calls or busy signals. If TRS providers are not held accountable for abandoned calls and busy signals, they can manipulate the length of the queue during times when the demand exceeds their staffing so that the ASA meets the contract requirement

Requiring these types of calls to be included in the calculation would not "assume that all abandoned and redialed TRS calls result from high blockage," as the Commission suggests. It would allow states to receive a complete picture of the actual speed of answer experienced by callers, even if callers hang up before they reach a relay operator. Oftentimes, the abandoned calls are due to long ASAs. If the ASA is good (10 seconds or less), there typically will not be a high percentage of abandoned calls.

The reason the caller abandons or redials the call is irrelevant to the call statistic, but the statistic provides the states with data to assess and monitor the quality of service. This important piece of data (the impact of abandoned and redialed calls from busy signals on ASA) should not be ignored simply because neither the relay provider nor the state know the exact reasons why callers have abandoned their calls. There will always be people who dial the wrong number, change their minds or demand will spike at unexpected times.

Communications Assistant Quality and Training

The DDTP disagrees with the FCC's conclusion that establishing a minimum CA typing speed is not appropriate at this time. (§58) Typing speed is one of the most important operator qualifications that affect overall TRS quality. Slow operator typing frustrates users and causes hang-ups. These lead to higher costs for ratepayers due to the added call length. It also hurts the reputation of the relay among users who are waiting for the slow typing operator or those who must decipher the inaccurate typing of some operators.

By reviewing requirements of the various states, the Commission could determine a reasonable minimum typing speed. States then could set a higher standard, if desired, and could allow operators a period of time to increase their typing speed to the higher standard. A minimum standard, however, would ensure an adequate basic level of service that relay users could depend on, regardless of which TRS they use. The FCC may want to consider setting a minimum standard at a net of 45 words per minute (net refers to the speed after a penalty for misspelled words) as the qualifying rate. The FCC could also set a higher rate, say a net of 60 words per minute, after six months on the job.

The DDTP offers for the FCC's consideration an idea for an additional standard. We do not currently require it in California, however, we are considering it for the next CRS contract. We suggest requiring CA applicants to take a typing test for speed that is administered in a way that mirrors the job. The applicant would listen to a tape recording of someone talking and type what he or she hears. This scenario would give a more accurate picture of the applicant's skill level relative to the skills needed for the CA position.

The DDTP also requests the FCC consider establishing a standard that requires states to find a way to measure voices for clarity and the ability to articulate speech. It is an extremely important feature for both TRS and STS. The lack of clarity can lengthen calls considerably if the hearing party must consistently ask the operator to repeat him or herself.

Some commenters to the NO1 indicate labor shortages would result from minimum standards. TRS callers need minimum standards to protect them from poor service every time the contract changes. TRS is no longer an unknown type of service. When vendors change as a result of a relay contract users should not experience a decrease in the quality of the service. Our experience has been when the new vendor starts the CAs type slower, are unfamiliar with TRS procedures, therefore

take longer to set up calls and answer times lengthen. We hope the FCC will consider a minimum standard for typing speed as a way to improve service for users. Having a minimum typing speed will help ensure providers are hiring employees with similar skill levels at competitive rates.

Minimum standards in critical areas can help avoid low cost bids that harm TRS users. In this case a typing standard might discourage a provider from going into a very low skilled labor market with lower costs. It could also encourage a vendor to work with local institutions (high schools, community colleges) to develop the required training programs so the vendor could have a qualified labor pool from which to choose operators.

Multi-vendoring

The Commission seeks comments on three areas (§65):

- 1) Does the Commission have the statutory authority to require the multi-vendoring of TRS service at the state level?
- 2) Is the single-vendor model inefficient and does it produce substandard TRS?
- 3) The Commission is seeking comments on specific structures for intrastate multi-vendor environments.

We will respond to each of the three questions above, but we will start with number three, which is about the structure. California has multiple vendors today; we have two. It is important for the reader to have an overview of California's structure and the process it used to select the vendors. The DDTP's goal, when it decided to request bids for a multi-vendor contract, was to achieve the benefits of competitive bidding along with the benefits for consumers of multiple choices. We will share what we have learned so far in responding to the FCC's questions. Most important, however, is that we feel the traditional competitive bidding process is not appropriate when selecting more than one vendor. The traditional process assumes that one vendor, usually the lowest bidder, will be selected. At this time we are still learning and attempting to clarify what we need to do differently next time we request bids.

Structure

The FCC requested a description of the multi-vendoring structure. What follows is a summary description. (§68) The California Relay Service (CRS) functions as a statewide service, rather than a discrete center, through which CRS calls are

relayed. Multiple providers are allowed to relay CRS calls, provided that each vendor:

- (1) affirms that it will provide service in accordance with the minimum service standards detailed in the contract;
- (2) agrees to be compensated for providing the stated service at the specific per minute reimbursement rate established through the bid process; and
- (3) signs and implements a Master Agreement with DDTP detailing the contractual terms and conditions related to providing TRS in California.

All providers must meet the minimum standards established for California. Vendors are encouraged to develop service enhancements that could be valuable to users. All features and functions above and beyond the minimum standards are offered at the vendors expense. Vendors may charge users directly for features in a way that is consistent with the FCC's requirements on charges for TRS services.

California's Master Agreement has Mandatory-Optional items, that means the DDTP can decide to offer services in California at a later time but may also decide not to offer these services. If the DDTP chooses to offer them the providers must offer the service according to the standards set out in the bid process. STS and VRI were the two Mandatroy-Optional services when this structure was put in place. All bidders were required to provide a separate monthly price to offer the Mandatory-Optional items. If the DDTP purchases any of these items the price paid to providers will be the monthly price quoted by the lowest bidder for the Mandatory-Optional items who also elected to offer CRS services. The DDTP may award the Mandatory-Optional items to one or both of the CRS providers.

The DDTP awarded the existing 800 numbers, for TTY and voice, to the lowest qualified bidder and designated that bidder as the primary provider. The price per minute submitted by the winning bidder became the price used by the DDTP to reimburse call minutes completed by all other qualified providers who chose to relay CRS calls. In California after the DDTP designated the reimbursement rate, no other provider. in addition to the winning bidder, chose to offer CRS service. Since the original award. the DDTP has raised the reimbursement rate, and there is now one secondary provider offering service. Since the primary provider uses the DDTP's 800 numbers, that provider cannot discontinue service without the agreement of the DDTP. The secondary providers can discontinue service with 4.5 days notice. All providers are encouraged to advertise their 800 numbers.

Authority

The DDTP views the Commission as having the authority to allow multi-vendoring based on the FCC rules which require common carriers to provide TRS within their service areas, "individually, through a competitively selected vendor, or in concert with other carriers." (§66)

Single vs. Multi-vendor Systems

The DDTP initially perceived single vendor as too restrictive to meet consumer needs. It's too early to fully understand the benefits of multi-vendoring. A major benefit has been that an alternate provider is available when the primary provider is performing at substandard levels from the users' viewpoint.

Multi-vendoring is not for every state, and successful implementation has its own requirements. We will share California's experience by outlining some pros and cons and then share some of the other lessons we learned. (§67)

Pros of a Multi-vendor System

- - Consumer choice--The intention of the 1996 Telecom Act was to increase choices for all consumers. Relay users have, in effect, two choices. The first, which has no exact equivalent for hearing callers, is choosing which relay vendor to use and the second, which has an equivalent for hearing callers, is choosing which company should carry the call. Multi-vendoring is the only way to give relay users a choice at the first step. Competition at the first step allows consumers to choose the features, customized database options and caller profile capability they prefer.
- An alternate provider--When a provider has a long answer time it's extremely helpful to have another choice. The busy signal from a TRS provider is equivalent to a network busy signal for a hearing person. Non-relay callers rarely experience a network busy signal and the resulting delay in making a call.
- Protects TRS callers--Since TRS providers often have all their call centers linked to one call management system it may be difficult or impossible to re-route traffic in the event of a disaster (natural or man made, e.g. cable cuts). Having another provider that is not in the same area means relay consumers always have access to dial tone.
- Better service and more options--Multi-vendoring does add pressure to

maintain an ASA consumers find acceptable, otherwise they will call another vender. It also provides an incentive for vendors to distinguish themselves by offering custom options.

Cons of Multi-vendoring System

- Consumer Education--This is absolutely critical to a successful multi-vendoring strategy. California went from a single system to a multiple vendor system. We assigned the existing relay number to the primary vendor and requested the secondary vendor establish its own number. This has created confusion among consumers..
- Distinctions between primary and secondary vendors may cause tension between them. For example, assigning the pre-existing 800 number to one of the vendors may be a great advantage. The bidding process should be carefully designed to encourage more than one vendor to offer service and to allow more direct enforcement of contract provisions if only one vendor is willing to offer service.
- Projecting staffing needs is more difficult initially since multiple-vendors are uncertain of how much of the market they will capture. If the TRS provider knew they would be taking all the calls, the DDTP's historical data would be a reliable source. It helps, but the initial TRS providers in a multi-vendor scenario have very little data with which to make staffing decisions.
- Centers are more vulnerable to spikes and peaks--When the primary vendor experiences blockage or long answer times. callers hang up and call the secondary provider. The secondary provider may not be staffed for major spikes in traffic that result from callers switching providers suddenly.
- Administrative Problems--A multiple provider environment creates an opportunity for disputes among providers so that it takes time to sort through joint issues. It also takes more time to administer multiple contracts. There are more bills to pay, documentation to check and information and direction must be given twice or more.

Lessons

- If a state is moving from a single vendor system to a multi-vendor system the chances of success will increase significantly if the TRS numbers remain the same, while callers are given a choice of providers. States would need a

TTY/voice driven menu that offers access to all the providers authorized by the state.

- Educate consumers about their new choices--It is essential to a smooth and less costly transition.
- Price has to be attractive--The offering price should not be so low it discourages providers from offering service.

Enforcement and Certification Issues

The FCC is seeking information from states on the number of TRS complaints that have been received concerning their programs since 1993, the number of complaints resolved, and the timeframe within which those complaints have been resolved. (§75) The DDTP can report numbers of complaints for several years beginning in 1991, but does not specifically track the number of complaints resolved or the timeframe within which the complaints have been resolved. Some complaints are never resolved, such as complaints that are about a service that is not offered nor required in our contract, such as Spanish to English translation.

The type of complaints that are readily addressed include:

- ☐ Rude Operators
- ☐ Training needed to improve spelling
- ☐ Consumer unfamiliar with procedure
- ☐ How CRS, VCO, and HCO work

The type of complaints that are not easily or quickly addressed include:

- ☐ The ability to bill a call to a third party (900 calls)
- ☐ Long answer time
- ☐ TTY Interface issues (e.g. when the enhanced protocol isn't working properly)
- ☐ Slow typists
- ☐ Contractual Issues e.g. Spanish-to-English

Most calls to the CRS vendors, tracked in the complaint report, are actually calls to request information. The category of general information, over the last twelve months, has had on average of 2,984 calls a month. All other complaints in the same time period average 245 a month.

The four biggest issues, which are subjects of complaints, follow in order of

importance:

Service Concerns

- ☐ Operators don't announce themselves with their number or gender
- ☐ Operators are rude or hang up on consumers
- ☐ Operators change too frequently in the middle of calls
- ☐ Operator did not follow instructions

Training

- ☐ Operators are not transparent
- ☐ Slow typing speed
- ☐ Lack of accuracy

System Concerns

- ☐ Long answer time
- ☐ Line disconnects during call
- ☐ Trouble completing international calls
- ☐ Operator not familiar with billing option

External Concerns

- ☐ Services not offered in the contract